



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,937	12/23/2003	Thomas G. Sierakowski	Liner-602	9370

7590 03/06/2006

Christopher John Rudy
Ste. 8
209 Huron Ave.
Port Huron, MI 48060

EXAMINER

BLANKENSHIP, GREGORY A

ART UNIT	PAPER NUMBER
----------	--------------

3612

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/743,937	SIERAKOWSKI ET AL.	
	Examiner	Art Unit	
	Greg Blankenship	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7, 11, 15, 17, 20-23, 25, 27 and 29-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 7, 11, 15, 17, 20-23, 25, 27 and 29 is/are allowed.
- 6) ☒ Claim(s) 30-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/23/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vitoorapakorn (6,692,054) in view of Darbshire (6,328,364).

Vitoorapakorn discloses a plastic bed liner (1) attached to a vehicle bed, as seen in Figure 1.

The liner comprises a substantially flat portion with an outer boundary that defines sides.

The liner has ribs that include a first part arranged in a central area in an array extending along an axis and in a second part that are arranged in two opposing arrays. Each of the arrays of the second part has ribs that extend obliquely with respect to the array of the first part and the axis. One of the two obliquely extending arrays is located on each side of the central area with some of the ribs extending substantially to the outer boundary. These ribs are the ribs located from the front of the liner to the rear portions of the rear wheel well housings, as seen in Figure 3. The liner is immovably secured to the vehicle such that the liner does not substantially move in relation to the bed, as disclosed on lines 55 of column 3 through line 18 of column 4. In reference to claim 31, the array of ribs in the first part goes from a front side of the liner bottom to an opposing rear side of the liner bottom, substantially to each respective boundary. The two arrays with the obliquely extending ribs form a mirror image of one another with respect to the array of ribs in the first part in the

central area. In reference to claim 32, a tailgate inside surface has an array of ribs arranged in a first part in a central area in an array extending along a tailgate axis and a second part extending obliquely with respect to the array of the first part and the tailgate axis, as seen in Figure 3. The array of ribs in the first part of the tailgate inside surface extends to the boundary on a side adjacent the liner bottom so that the ribs of the tailgate inside surface line up with the array of ribs in the first part of the liner bottom, as seen in Figure 3. The two arrays of second part of the tailgate inside surface form a mirror image of one another with respect to the array of ribs in the first part in the central area of the tailgate inside surface. In reference to claims 33-35, the vehicle is a pickup truck. However, Vitoorapakorn does not disclose only three arrays of ribs with all of the ribs of the second part of the liner bottom extending substantially to the outer boundary.

Darbshire teaches a truck bed liner with only three arrays of ribs with two outer arrays of ribs extending obliquely with respect to the array of ribs in a first part, arranged in a central area in an array extending along an axis, such that all of the obliquely extending ribs extend substantially to the outer boundary of the bottom of the liner.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form all of the obliquely extending ribs of Vitoorapakorn to extend obliquely with respect to the array of ribs in the first part and the axis such that the extend substantially to the outer boundary, as taught by Darbshire, to improve aesthetics and drainage of the liner.

Allowable Subject Matter

3. Claims 1-3, 7, 11, 15, 17, 20-23, 25, 27, and 29 are allowed.

Response to Arguments

4. Applicant's arguments filed 12/14/2005 have been fully considered but they are not persuasive. The applicant has argued that the Vitoorapakorn invention cannot be combined with the Darbshire invention for an obvious rejection because Vitoorapakorn is nonanalogous art in the field of bed liners. The combination, as applied to claims 30-35, is valid because the tray (300) of Vitoorapakorn lines the bed of a truck when it is located within the bed of the truck by providing a flat bottom surface to safely store items without damaging the actual bed of the truck.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is 571-272-6656.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gab

February 28, 2006



7/1/06

D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600